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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
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11 JOHNNY LEE SLOAN, JR.,

12 Plaintiff,

13 v.

14 T. CISNEROS, et al.,

15 Defendants.  
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No. 1:21-cv-01477-JLT-EPG (PC)

ORDER ADOPTING SCREENING  
FINDINGS AND RECOMMENDATIONS

(Docs. 22, 23)

17 The assigned magistrate judge issued findings and recommendations related to the  
18 screening of the complaint. (Doc. 23). Plaintiff has not filed objections or otherwise responded to  
19 the findings and recommendations.

20 According to 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this Court has conducted a *de*  
21 *novo* review of this case. Having carefully reviewed the entire file, the Court finds the findings  
22 and recommendations to be supported by the record and proper analysis. Thus, the Court

23 **ORDERS:**

- 24 1. The findings and recommendations issued on September 7, 2022, (Doc. 23), are  
25 **ADOPTED IN FULL.**  
26 2. This case proceed on Plaintiff's Eighth Amendment claims against defendants  
27 Talley, Mata, and Gonzales for deliberate indifference to his serious medical  
28 needs.

3. To the extent Plaintiff brings Eighth Amendment deliberate indifference claims against any other defendant based on allegations that he was not provided with a new wheelchair, these claims are **DISMISSED** with prejudice.
4. Plaintiff's First Amendment retaliation claim against defendants G. Martinez, Gibson, Rhoads, Ramos, Metts, R. Martinez, and Mata based on allegations that they retaliated against Plaintiff because Plaintiff filed 602s/grievances against defendants Talley and Mata are **DISMISSED** with prejudice.
5. Plaintiff's Fourteenth Amendment claim based on allegations that Plaintiff did not receive due process during the disciplinary hearing conducted by defendant R. Martinez on the Rules Violation Report for Disrespect without Potential for Violence/Disruption that was drafted by defendant G. Martinez **DISMISSED** with prejudice.
6. Plaintiff's claims based on the processing of the 602s/grievances that he filed against defendants Talley and Mata are **DISMISSED** with prejudice.
7. Plaintiff's claim against defendant Talley based on allegations that funds were unlawfully deducted from his account is **DISMISSED** with prejudice.
8. Plaintiff's second, third, fourth, and fifth claims are **DISMISSED** without prejudice as unrelated.
9. Claim six is **DISMISSED** with prejudice to the extent it is based on: Plaintiff's allegations that he was not provided with a new wheelchair; Plaintiff's allegations that he was retaliated against because he filed 602s/grievances against defendants Talley and Mata; Plaintiff's allegations that he did not receive due process during the disciplinary hearing conducted by defendant R. Martinez on the Rules Violation Report for Disrespect without Potential for Violence/Disruption that was drafted by defendant G. Martinez; Plaintiff's allegations that the 602s/grievances that he filed against defendants Talley and Mata were not properly processed; and Plaintiff's allegations that defendant Talley caused funds to be deducted unlawfully from his account.

10. Claim six is **DISMISSED** without prejudice as unrelated, to the extent it is based on any other conduct.
11. Plaintiff's state law claims against defendants Talley, Gonzales, Mata, G. Martinez, Metts, and R. Martinez are **DISMISSED** with prejudice.
12. Plaintiff's state law claims against defendants Gibson, Rhoads, and Ramos are **DISMISSED** with prejudice to the extent the claims are based on the allegation that they retaliated against Plaintiff because Plaintiff filed 602s/grievances against defendants Talley and defendant Mata.
13. All other state law claims are **DISMISSED** without prejudice as unrelated.
14. The Clerk of Court is directed to reflect the dismissal of all defendants on the Court's docket, except defendants Talley, Mata, and Gonzales.

IT IS SO ORDERED.

Dated: October 24, 2022

  
UNITED STATES DISTRICT JUDGE